



# Public Notice

**Applicant:**  
Mike Boyczuk

**Date:**  
Published: Feb. 1, 2001  
Expires: Mar. 3, 2001

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-CO-R RE: 2000-02512(0) Section: NY 404**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mike Boyczuk, 7583 New Hudson Road, Caneadea, New York 14717, has applied for a Department of the Army permit to construct a 7.5 acre pond in a tributary to Rush Creek. The project area is located 0.5 mile south of the intersection of Dolph Road and New Hudson Road, in the Town of New Hudson, Allegany County, New York.

The applicant proposes to place fill in 450 feet of stream channel for the construction of an earthen dam. The fill will consist of compacted earth excavated from the creekbed and adjacent uplands. An eight-inch ductile iron drain will convey water through the dam to maintain normal flow rate downstream. A plunge pool will be constructed of riprap at the outlet of the pipe. Approximately 500 feet of stream channel will be impacted by the excavation of the pond. An additional 200 feet of stream channel will be impacted through the increased water level. The proposed impoundment's permanent water surface is designed at elevation 1747.00 feet USGS datum. The total loss of Waters of the United States, including both permanent loss through filling and secondary impacts, will be 1150 feet of stream channel. The existing man-made pond will be incorporated into the proposed 7.5 acre pond. The existing pond is not considered to be a Water of the United States and is, therefore, not regulated by the Corps of Engineers. The auxiliary spillway will be constructed in the adjacent upland area.

The purpose of the pond is to provide open-water recreation to the applicant.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to David W. Leput, who can be contacted by calling (716) 879-4191, or by e-mail at: david.w.leput@usace.army.mil

The following authorization(s) are required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of David W. Leput, or by e-mail at: david.w.leput@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.


Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

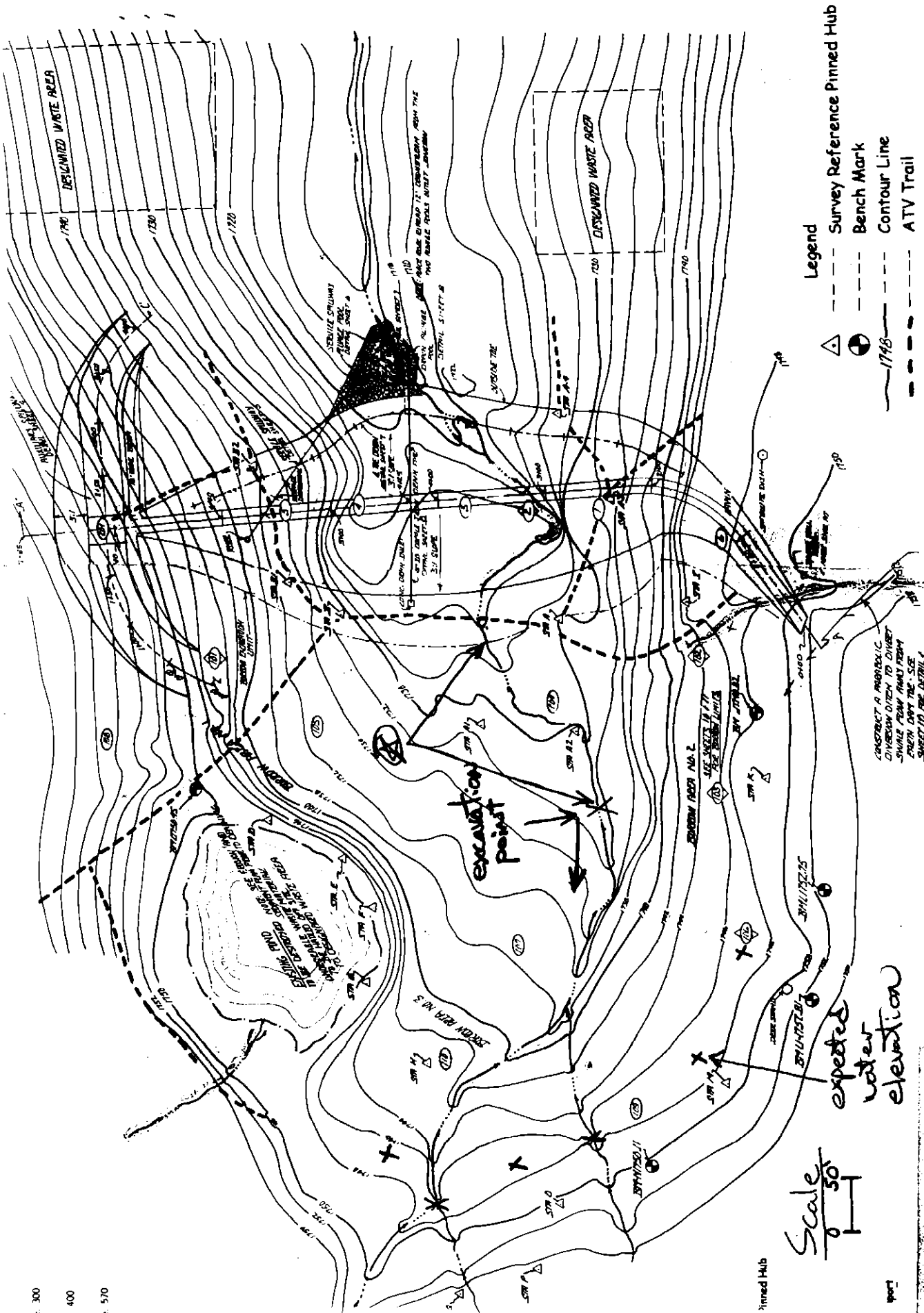
preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

for   
Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.



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400  
570



- Legend**
- Survey Reference Pinned Hub
  - Bench Mark
  - Contour Line
  - ATV Trail
  - Stream
  - Toe Drain
  - Excavation Limits
  - Test Pit
  - Test Pit with Lab Report

section of stream  
where no fill w/  
be placed below  
OTW (200')

Scale  
0 50 100  
expected  
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elevation

BOYCZUK, MIKE  
D/A Processing No. 2000-02512(0)  
Allegany County, New York Quad: RAWSON  
Sheet 2 of 9

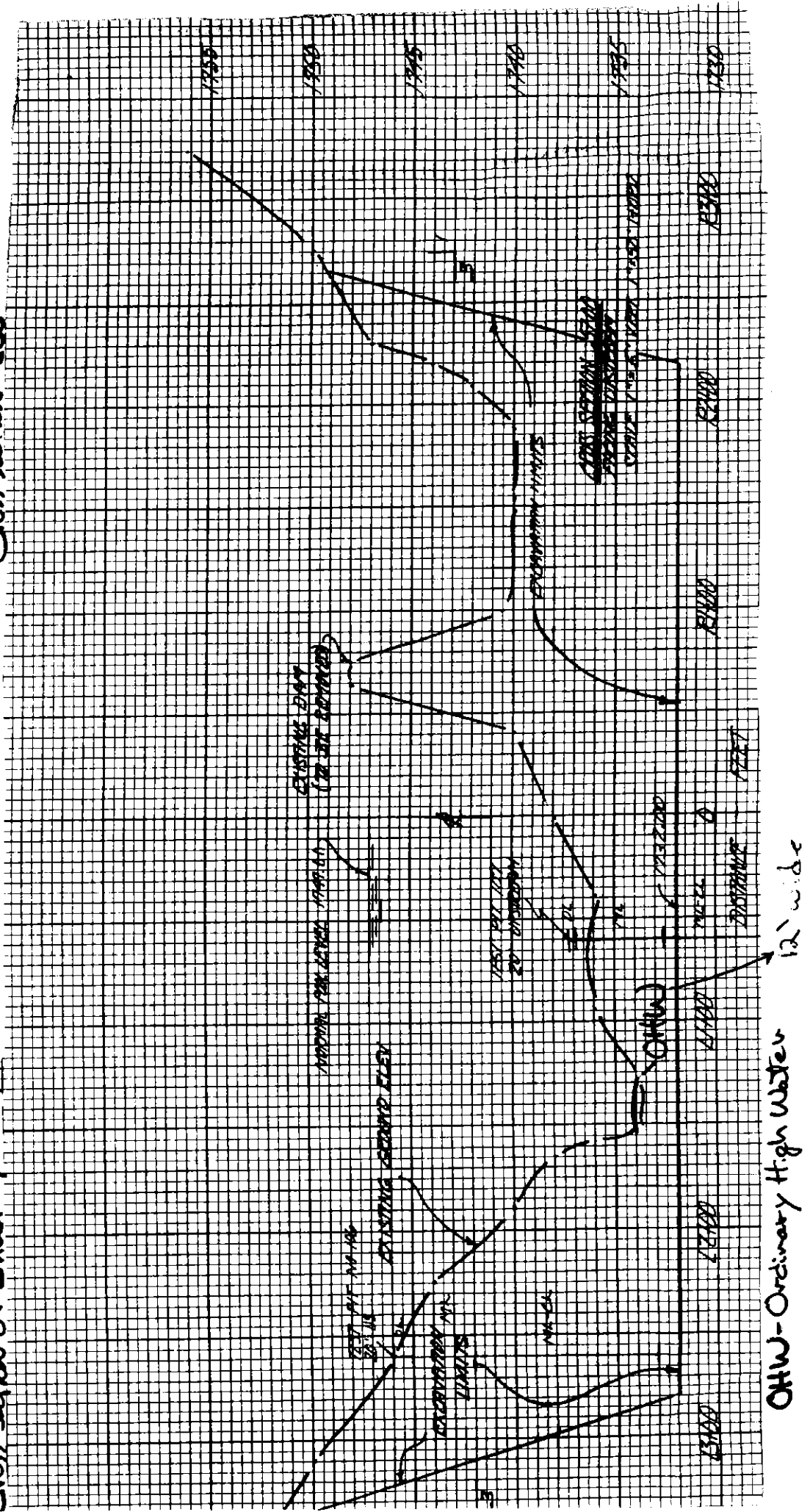




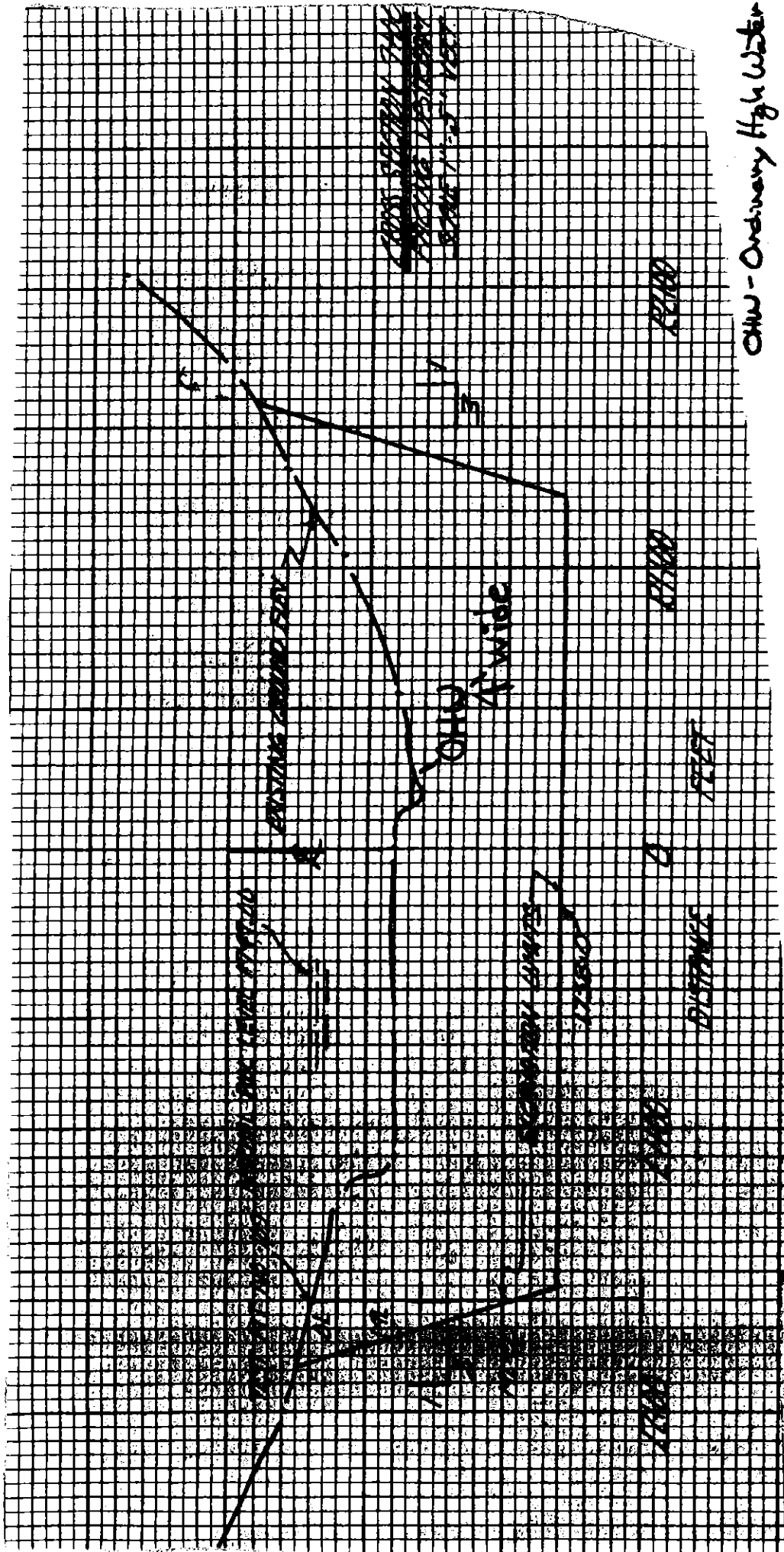
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Cross Section of Sheet 3/ of 9

Cross section 500

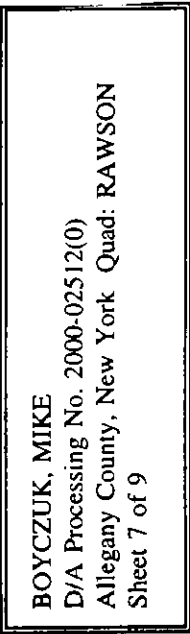






Cross Section 700  
 Cross Section of Sheet 3 of 9

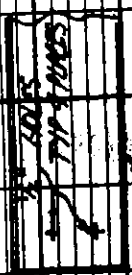
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Sheet 7 of 9

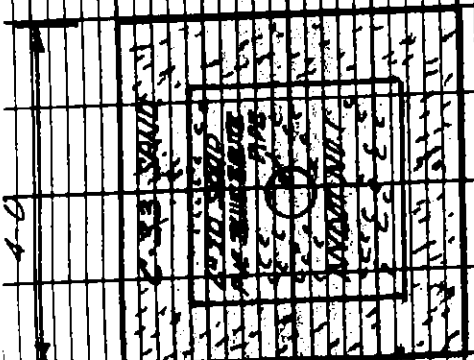


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D/A Processing No. 2000-02512(0)  
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Sheet 9 of 9

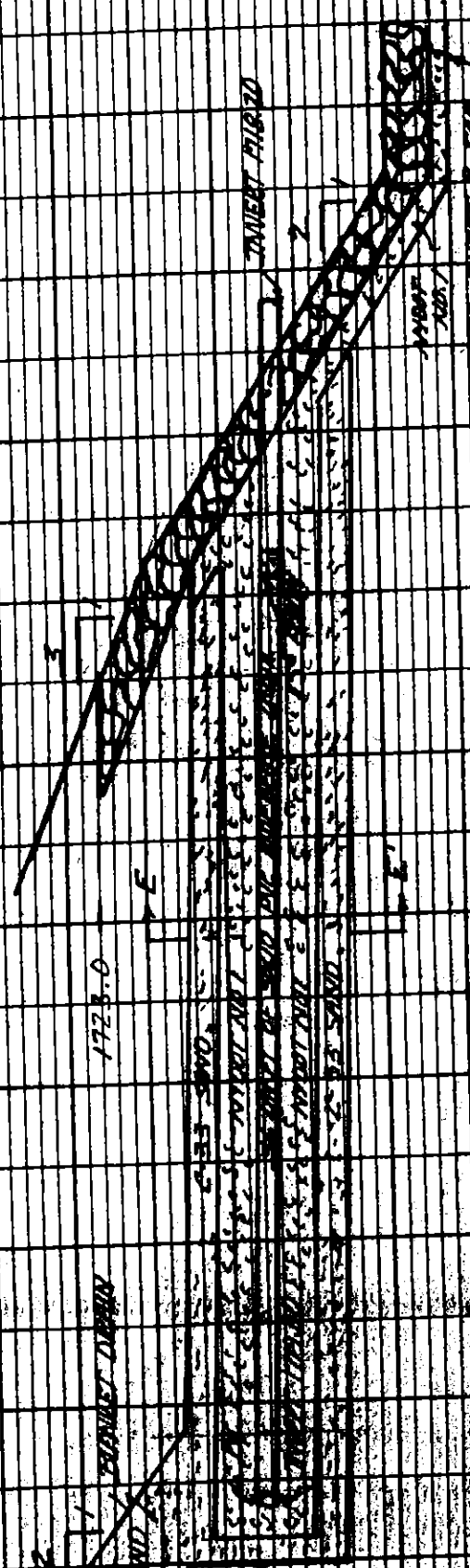
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SHANE-BURNER LAMP DETAIL

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